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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,368	09/14/2004	Mark A. Cuddihy	FGT1942 PA	5367

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EXAMINER	
NGUYEN, TAI T	

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/711,368	CUDDIHY ET AL.	
	Examiner	Art Unit	
	Tai T. Nguyen	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-17* is/are allowed.

6)☒ Claim(s) *18-26, 29* is/are rejected.

7)☒ Claim(s) *27 and 28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is responsive to Appeal Brief filed on February 28, 2006. Examiner reviewed the case and allows claims 1-17, objects claim 27-28 but maintains rejection on claims 18-26 and 29.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Aoshi (JP 2000-285347).

Regarding claim 25, Aoshi discloses a crash notification method (figure 1) comprising:

an occupant sensor (13) for generating a occupant sensor status signal (figure 2);

a crash sensor (12) for generating a crash status signal (figure 2);

a GPS receiver (8, figure 1) for generating a vehicle position signal (figure 2);

a controller (7) coupled to the occupant sensor, the crash sensor, and the GPS receiver for generating a communication signal as a function of occupant sensor status signal, crash status signal, and the vehicle position signal (figure 2);

transmitting the communication signal to a response center (2) through the communication network (abstract/solution);

wherein the response center determining the nearest public service answering point (3, 4); and

contacting the public service answering point as a native caller (figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 18-19 and 22-24, 26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoshi (JP 2000-285347) in view Tognazzini (US 5,914,675).

Regarding claims 18 and 21, Aoshi discloses a crash notification system (figure 1) coupled to a communication network (figure 2) having a response center (2) comprising:

an occupant sensor (13) for generating a occupant sensor status signal (figure 2); and

a controller (7) coupled to the occupant sensor and the crash sensor, the controller determining angular direction force from the crash sensor and generating a communication signal that is communicated to the response center through the

communication network corresponding to the occupant sensor status signal and the crash status signal (abstract/solution).

Aoshi discloses the instant claimed invention except for a vehicle identification number memory. Tognazzini teach an emergency location device (10, figure 1) including a vehicle identification number memory (52a) for storing vehicle identification number therein and a controller 24a) for generating a communication signal to a response center (12, col. 5, lines 36-52). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the memory circuit/vehicle identification memory as taught by Yanagi/Tognazzini to in the system as disclosed by Aoshi for the purpose of storing VIN and transmitting VIN to the response center in order to identify the vehicle involve in the accident.

Regarding claim 19, Aoshi, as modified, disclose the instant claimed invention except for the response center generates a decode vehicle signal in response to the vehicle identification signal. Tognazzini teaches a response center (12, figure 1) including a status decoders (62) to decode the received digital data from the emergency locator device (10) into the vehicle status information (col. 5, line 65 through col. 6, line 10).

Regarding claims 22-24, Aoshi discloses a seat belt fastening sensor (14) for generating a seat belt status signal and the controller generating a communication signal corresponding to the occupant sensor status signal, the crash status signal and seat belt status signal (figure 2).

Regarding claim 26, Aoshi discloses the response center further coupling the communication signal to the public service answering point but fails to disclose the step of displaying the crash status and the occupant sensor status. Tognazzini teach response center (12, figure 1) having a display (64) for displaying status information (col. 6, lines 3-11). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the display as taught by Tognazzini in the system as disclosed by Aoshi for the purpose of providing status information to the rescuer in order to determine the scale of the rescue preparation.

Regarding claim 29, Aoshi, as modified, disclose the instant claimed invention except for system further comprising a vehicle identification number memory having a vehicle identification number (VIN) stored therein and decoding the vehicle identification number into vehicle information. Tognazzini teach an emergency location device (10, figure 1) including a vehicle identification number memory (52a) for storing vehicle identification number therein and a controller 24a) for generating a communication signal to a response center (12, col. 5, lines 36-52) and response center (12) having a status decoders (62) to decode the received digital data from the emergency locator device (10) into the vehicle status information (col. 5, line 65 through col. 6, line 10). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the vehicle identification memory and decoder as taught by Tognazzini to in the system as disclosed by Aoshi for the purpose of storing VIN and transmitting VIN to the response center and decode the received signal in order to identify the vehicle involve in the accident.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoshi (JP 2000-285347) in view Tognazzini (US 5,914,675) as applied to claim 18 above, and further in view of Yanigi (JP 8287386).

Regarding claim 20, Aoshi discloses a crash sensor (12) for generating a crash status signal (figure 2) but Aoshi, as modified, disclose the instant claimed invention except for a side crash sensor. Yanagi teaches a vehicle accident notification system (figure 1) including a plurality of crash sensors (Si...Sn) locating in front, side, and back of the vehicle (figure 2) for detecting front, side, and back impact and generating crash signal therefrom (pages 3-4 of detail description). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the front, side, and back sensors as taught by Yanagi in the system as disclosed by Aoshi for the purpose of detecting impact on a plurality location of vehicle body in order to determine the level/angular of impact to notify the response center to provide assistance in case of serious collision.

Allowable Subject Matter

6. Claims 1-17 are allowed.

7. Claims 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments and Examiner's answers.

Regarding claim 18, applicant argues that Tognazzini does not provide a teaching or suggestion of providing a status of the occupants of the vehicle and neither Aoshi or Yanigi references teach or suggest the use of the vehicle identification number. Therefore, a controller that generates a communication signal that is communicated to a response signal to the communication network with the communication signal corresponding to the occupant sensor, status signal, and the vehicle identification number is not taught or suggested. Tognazzini is a non-analogous reference. Examiner disagrees. Aoshi disclose a crash identification for the vehicle including an occupant sensor, element 13, for generating an occupant status signal coupled with a controller generating a communication signal that is communicated to a response center, see abstract. Tognazzini teaches an emergency location device, element 10, figure 1, including a vehicle identification number (VIN) and a controller, element 24a, for generating a communication signal to a response center, element 12, in the event of a crash/accident. A skilled artisan would have been motivated to use the VIN in the transmission of the crash/accident event in order to provide detail/identification of the type of vehicle involved.

Regarding claim 19, applicant argues that Tognazzini does not teach or suggest decoding the vehicle VIN signal. Examiner disagrees. Tognazzini teaches the response center including status decoders, element 62, to decode the received data

signal from the locator device into the vehicle status information, see column 5, line 65 through column 6, line 10.

Regarding claims 20-24, applicant acknowledges that claims 20-24 stand or fall together with claim 18.

Regarding claim 25, applicant argues that the Aoshi reference makes no distinction between a native caller and a non-native caller. Examiner disagrees. Applicant acknowledges that "a native caller can be distinguish from a non-native caller by systems." Applicant further acknowledges that native calls are treated similar to that of 911 calls. Aoshi discloses that an emergency call provided by the accident car will check the location of the accident car based on the data transmitted therefrom and will demand mobilization of an emergency vehicle similar to that of a 911 calls. Both applicant claimed system and Aoshi disclose the call being routed as a 911 type calls, see Aoshi figure 1.

Regarding claim 26, applicant acknowledges that claim 26 stands or falls together with claim 25.

Regarding claim 29, applicant argues that Tognazzini does not teach or suggest decoding the vehicle VIN signal. Examiner disagrees. Tognazzini teaches the response center including status decoders, element 62, to decode the received data signal from the locator device into the vehicle status information, see column 5, line 65 through column 6, line 10.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 15, 2006
Tai T. Nguyen
Examiner
Art Unit 2612

DANIEL WU
SUPERVISORY PATENT EXAMINER
5/15/06